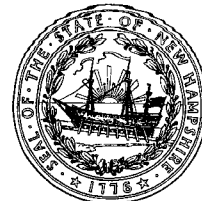




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

August 30, 2006

**LETTER OF DEFICIENCY #WSEB 06-126**  
Certified Mail #7000 1670 0001 2915 6342

Robert Caldicott  
Johnson Creek Home Owners Association  
PO Box 58  
Durham, NH 03824

Subject: Durham - Public Water System: Johnson Creek (EPA #0692010)

Dear Mr. Caldicott:

The records of the NH Department of Environmental Services ("DES") show that Johnson Creek is classified as a public water system ("PWS"), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days per year. As such, the water system owner is required to submit samples according to the system's established Master Sampling Schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rules Env-Ws 320 through 330.

The enforceable maximum contaminant level ("MCL") for Arsenic is 0.010 mg/L. For systems on quarterly monitoring, compliance with the MCL is determined by the running annual average ("RAA"). The RAA is defined as the average of sample results collected over the last 12 month period. DES has determined the most recent RAA for Source 000: DEP Tap /Pumphouse/Blend Wells 001 + 002 to be 0.011 mg/L. As such, Johnson Creek has exceeded the Arsenic MCL and a violation of Env-Ws 326.10 has occurred.

DES records show that the subject water system exceeded the MCL for Arsenic for the first and second quarters of 2006 and as a result, Notices of Violation ("NOV"s) were issued to the water system on April 12 and June 9, 2006. Pursuant to Env-Ws 351, the NOV's noted the requirement that public notice of the Arsenic MCL violations be performed within 30 days of each NOV and that proof of public notice be sent to DES within 10 days of performing such public notice. DES did not receive proof of public notices.

As a result of the failure to perform public notice for the first quarter 2006 arsenic violation, another NOV, dated June 28, 2006, was sent to you. This NOV requested that you perform the overdue public notice within 7 days and then immediately provide proof of public notice to DES. This NOV also noted the requirement for public notice to be performed for the second quarter arsenic violation.

To date, no proof of public notice has been received by DES for the first and quarter 2006 Arsenic MCL violations, thus placing the water system in violation of Env-Ws 351. DES believes the MCL and Public Notice violations can be corrected and future violations prevented by taking the following actions:

1. **As soon as possible**, but no later than **September 11, 2006**, provide public notice of the violations following the guidelines on the enclosed public notice handout. Continue providing public notice **each calendar quarter** for as long as the violation occurs; and
2. **Within 7 days** of providing public notices for the first and second quarter 2006 arsenic violations, submit proof of public notices to this office following the guidelines on the enclosed public notice handout; and
3. **By October 2, 2006**, retain the services of a qualified consultant to address the water quality violation(s) and notify DES, in writing, of the name of the consultant hired. The consultant should review all existing water quality data and all feasible options prior to making recommendations to the owner for correcting the MCL violation(s). Guidance on options to correct the MCL violation and the recommended contents of a consultant's report are enclosed; and
4. **By November 30, 2006**, submit to DES the consultant's report, which shall contain the consultant's evaluation of feasible options, cost estimates, identification and justification of which option the owner has selected to implement, along with a timeline and final correction date to resolve the MCL violation(s). A maintenance schedule must be included if treatment is proposed. DES will approve the consultant's report, in writing, and specify the next submission deadline. A consultant's report determined to lack comprehensiveness will not be approved; and
5. **By the submission date established by DES** in the above-mentioned approval letter, submit to DES all engineering/technical documents for the design of the selected option. DES must review and approve, in writing, any engineering/technical documents prior to the commencement of any work on the system. Note that engineering plans for systems serving more than 50 service connections or 20,000 gpd must be stamped by a professional engineer; and
6. **By the DES-approved correction date**, take the corrective action as approved by DES. Notify DES in writing upon completion of the action(s) taken; and
7. Continue to sample in accordance with your Master Sampling Schedule, which includes quarterly sampling for Arsenic. A copy is enclosed.

In the event compliance is not achieved within this period, DES may initiate formal action against you, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

**All information as requested above should be addressed as follows  
or faxed to (603) 271-5171:**

Leah McKenna  
Department of Environmental Services  
Water Supply Engineering Bureau  
29 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

It is important to also note that while a Radon standard has not yet been finalized, your historical level is 970 pCi/L. The most recent Federal standard proposed was 4,000 pCi/L if a Multimedia Mitigation Program (MMM) was in effect for that community. Without such an MMM program, the maximum acceptable Radon level in drinking water could not exceed 300 pCi/L.

For your information, fact sheets on Arsenic and Radon are available at:  
<http://www.des.state.nh.us/ws.htm>. These include general information, health effects and removal options. Also enclosed is a summary of the expected content of consultant report submittals for your review. Please be reminded that proposed treatment alternatives should take into consideration all water quality parameters as well as current and future quantity needs.

In addition to your operator, assistance may be available to you through a variety of sources. DES staff member Cindy Klevens, P.E. may be able to answer questions concerning treatment for the aforementioned contaminant(s). She may be reached at (603) 271-3108 or via email at [cklevens@des.state.nh.us](mailto:cklevens@des.state.nh.us). Also, financial, managerial and technical assistance is available through either of two government funded technical assistance providers. These are Granite State Rural Water Association ((603) 753-4055) and RCAP Solutions, Inc. (1-800-488-1969). Health related questions may be directed to Dave Gordon of the DES Bureau of Environmental and Occupational Health whose number is (603) 271-4608. If you have any questions regarding this letter, please contact Leah McKenna, at (603) 271-0655 or by email at [lmckenna@des.state.nh.us](mailto:lmckenna@des.state.nh.us).

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'COPY', with a long horizontal stroke extending to the right.

Sarah Pillsbury, P.G., Administrator  
Water Supply Engineering Bureau

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Encl    Master Sampling Schedule  
         Public Notice Template  
         Report submittal information sheets

cc w/ encl(s): Stanley Oliver, Primary Operator

cc: Gretchen R. Hamel, DES Legal Unit Administrator  
Thomas Johnson, Town of Durham Health Officer  
EPA, Region 1  
File

ec: Cindy Klevens, P.E., DES  
Dave Gordon, DES BEOH  
Jack Shields, GSRWA  
Robert Morancy, RCAP Solutions, Inc.